

GISKAN SOLOTAROFF ANDERSON & STEWART LLP  
Attorneys at Law

MEMO ENDORSED

August 12, 2011

By Email

The Honorable Richard J. Sullivan  
Daniel Patrick Moynihan United States Courthouse  
Court Room 21C  
500 Pearl St.  
New York, NY 10007-1312

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 8-12-11

Re: Patel, et al. v. Baluchi's Indian Restaurant, et al.  
Civil Action No. 08-CIV-9985 (RJS)(THK)

Dear Judge Sullivan:

I represent Plaintiffs in the above-referenced wage and hour litigation.

In accordance with the Court's August 12, 2011 Order, I hereby request permission of the Court to send the attached revised letter to the eighteen Rule 23 claimants.

Respectfully submitted,



Catherine E. Anderson

cc: Basil C. Sitaras, Esq., by email

SO ORDERED: 

Dated: 8/12/11

RICHARD J. SULLIVAN  
U.S.D.J.

August 12, 2011

[Insert Name and Address]

Re: Patel v. Baluchi's; 08 CIV 9985 (S.D.N.Y.)(RJS)

Dear \_\_\_\_\_:

I am writing to you concerning the wage and hour litigation captioned, *Patel v. Baluchi's, et al*, 08-cv-9985 (RJS)(THK), which has been brought in Federal Court in the Southern District of New York. I am lawyer and my law firm represents the twenty-seven current and former waiters, cooks, delivery persons and dishwashers who have filed claims in this action against the Baluchi's restaurants for wage and hour violations. The workers have alleged that Baluchi's did not pay them the legally required amount of minimum wage, overtime and tips. We have been fighting on behalf of the workers in court since November 2008.

In July 2010, we entered into a preliminary settlement agreement with Baluchi's. In January 2011, the Court granted preliminary approval of the settlement and notice was given to all Baluchi's workers who had not yet filed claims in this action of the opportunity to potentially participate in a settlement fund of approximately \$100,000. You submitted a timely claim to participate in the settlement fund.

In May 2011, the Court denied final approval of the settlement. The Court found that the proposed settlement would have provided the FLSA opt-in claimants with a settlement award four times greater than the Rule 23 claimants while extinguishing the claims of all class members who failed to opt in. As a result, the Court found that the settlement failed to satisfy Rule 23's fairness and superiority prongs as well as the spirit and letter of the FLSA.

At this time, there is no settlement and no settlement fund. None of the workers has received any money for their claims. Instead, we continued to fight on behalf of the workers in court. If you would like to join the litigation, please contact me by **September 12, 2011**, to discuss your claims and schedule an appointment. I can be reached at (212) 847-8315 x 3. If you decide to join this action, your **claim must be filed with the Court by September 26, 2011**. You are not required to join this action. If you decide to join this action, you are not required to retain me as your lawyer, and you may retain other legal counsel of your own choosing.

If you join this action, there is no guarantee that any monies will be recovered on your behalf.

Yours truly,

Catherine E. Anderson